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DEPARTMENT OF TRANSPORTATION

96 NOV 12 AM 9:51

DOCKET SECTION

OST-95-950-43

COMMENTS ON 14 CFR - PART 2

PASSENGER MANIFEST INFORMATION

November 11, 1996

By

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4 pgs.

The following comments are made regarding **14 CFR Part 243, RIN 2105-AB78, (Docket No. OST-95-950, Notice No. 96-23), Passenger Manifest Information, part of USC Title 49-Transportation, Chapter 449- Security affecting Section 44909.**

It is our understanding that this Notice Of Proposed Rulemaking (NPRM restated), " proposes to require that each air carrier and foreign air carrier collect basic information from specified passengers traveling on flight segments to or from the United States. U.S. carriers would collect the information from all passengers and foreign air carriers would collect the information for U.S. citizens and lawful permanent residents of the United States. The information would include the passenger's full name and passport number and issuing country code, if passport is required for travel. In addition, airlines would be required to solicit the name and telephone number of a person or entity to be contacted in case of emergency. Airlines would be required to make a record of passengers who decline to provide an emergency contact. The information would be provided to the Department of Transportation and the Department of State in case of an aviation disaster." Also, said information in the event of an aviation disaster, would be provided to the aforementioned departments within 1 hour after the carrier learns of the disaster, unless otherwise not technologically feasible or reasonable then within 3 hours after the carrier learns of the disaster. Under 243.7 of this NPRM, passenger information collected would be retained for at least 24 hours after completion or cancellation of any covered flight.

It is evident in the information available from the bombing of Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988, and American Airlines Flight 965 Miami to Cali crashing near Cali, December 20, 1995, and more recently TWA Flight 800, New York to Paris downed off Long Island, July 17 1996 , that there has been extreme difficulty in obtaining correct passenger manifest lists with adequate appropriate information from airline carriers.

For the families of these victims, information on the fate of loved ones has been has been one of many hours if not days of unnecessary uncertainty and frustration with our own Department Of State and airline carriers as was the case in all of the above referenced airline disasters.

Among others that have been frustrated are the intelligence agencies responsible for investigating these airline disasters. Some of there frustrations and concerns have been matching passengers with luggage. There was uncertainty as to whether it was possible to check in luggage (with bomb) through to Paris on TWA 800, crashed July 17, 1996, and for the same passenger not to board the plane. For disaster investigators locating all passengers is crucial in there investigation of these airline disasters and the eventual prosecution of those responsible for air piracy or criminal cause of an airline disaster.

After reading the ANPRM comments by the Air Transport Association, Foreign air carriers, the American Society of Travel Agents and others it is clear that all of the above

are reluctant to absorb the added administrative and financial burden that will be evoked by this NPRM (with one exception, Systems One who appears to benefit economically from this rule). A random survey of air carriers and travel agents here in Miami, Florida reflected that while some were not even aware of the NPRM they were strongly opposed to the obligation or responsibility of gathering and maintaining the information due to the increased financial burden. We believe as individual citizens that it should be the burden of those in the best position to meet the goals and objectives of NPRM namely the air carriers. It should be their responsibility to act in the public interest.

Keeping in mind that this rule when adopted or enacted by the Department of Transportation as regulation will become a part of Chapter 449-Security (as defined under sec. 44903 air transportation security, protection against violence or air piracy, safety, and the public interest) , it is important to view this NPRM as it may relate or effect the other sections in this chapter or how this section 44909 may effect or relate to other sections in this chapter and eventually impact the **individuals** it is intended to protect (U. S. citizens and legal resident aliens).

One of these interrelated sections is, section 44911 Intelligence which requires the intelligence community to provide intelligence reports and intelligence related activities regarding international terrorism (to be made available from the heads of each government intelligence unit as defined in 44911 a.) to the Secretary Of Transportation and the Federal Aviation Administration. Sub section (d) Designation of Intelligence Officer, allows for at least one intelligence officer of the Central Intelligence agency to serve in a senior position in the Office of the Secretary.

While there is mention in this NPRM of keeping the acquired information confidential, and while you "do not anticipate serious concerns regarding invasion of passenger privacy", as individual citizens we are concerned about invasion of individual passenger privacy. In light of the fact that information can be made available to ten separate intelligence units of the United States Government (as defined in 44911 a.) conceivably by an intelligence officer serving in a senior position in the Office of the Secretary as a virtual conduit of information, it should be emphasized that the information collected is to be collected and used **only** in the event of an aviation disaster. While the information collected must be kept for " at least 24 hours after completion of a covered flight " it should also be required that the same information be purged and that no ongoing data base be created or maintained for any purposes what so ever after expiration of the information time retention period for the covered flight. The information time retention period should cover all connecting points or multileg journeys of a covered flight to insure that data is available for intelligence units in the event of an aviation disaster. We believe this approach would encompass the objective of 44909 and 44911 while respecting the right to privacy issues of individual passengers. The Department of Transportation should randomly inspect and audit to insure that procedures are being maintained according to regulation.

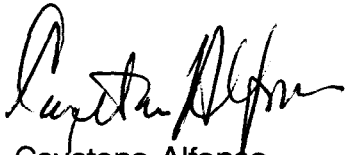
U.S. air carriers as well as foreign air carries should be responsible for and required to collect the information from all passengers, not just U.S. citizens and

permanent resident aliens. It is important that foreign air carriers and their respective governments be persuaded in every legal way possible to participate or otherwise suffer whatever remedies are available by and from our government. It is also important that while we ask our carriers to assume this burden, that we are careful not to place them at a competitive disadvantage. Collection of data could be coordinated with travel agents, but it should be the ultimate obligation of the air carriers to verify all information and oversee that it as prescribed in the aforementioned paragraph. This would again meet the objective of 44909 and meet the overall security objective of Chapter 449 protecting U. S. citizens and permanent resident aliens. Date of birth should not be substituted for passport number and should not be an additional data element. Date of birth can be obtained from the Department of State through passport number information, and air carriers should not be further burdened.

One final comment, we wish to thank Mr. Dennis Marvich from the Office of International Transportation and Trade, DOT, for his courteous assistance in providing us with all of the data we requested via telephone and by mail in the evaluation of this NPRM.

We hope our comments will help you serve us better.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cayetano Alfonso", written in a cursive style.

Cayetano Alfonso
Norma Ramos
Victoria Mendizabel